

Message Text

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PAGE 01 IAEA V 07645 171132Z

44

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TAGS: PARN, IAEA

SUBJECT: IAEA BOARD SEPTEMBER 14: PROPOSALS ON DURATION
AND TERMINATION OF IAEA SAFEGUARDS AGREEMENTS POSTPONED

REF:

SUMMARY. IAEA BOARD AGREED BY CONSENSUS POSTPONE UNTIL NEXT
FEBRUARY ITS CONSIDERATION OF REQUIRING FUTURE SAFEGUARDS AGREEMENTS
WITH NON-PARTIES TO NPT TO CONTAIN STRICTER PROVISIONS WITH REGARD
TO DURATION AND TERMINATION OF SAFEGUARDS. POSTPONEMENT DUE TO LACK
OF INSTRUCTIONS OF SOME BOARD MEMBERS AND TO FRENCH DESIRE TO BLOCK
REMPORARILY WHAT FRENCH GOVT. KNOWS IT CANNOT AND SHOULD NOT BLOCK
INDEFINITELY.

1. NINETY-MINUTE DEBATE ON GOV/1621 BY IAEA BOARD AT ITS
SEPTEMBER 14 MEETING REVEALED NO GOVERNOR WHO WOULD ATTACK CONCEPTS
CONTAINED IN PAPER AS UNREASONABLE OR INAPPROPRIATE FOR INCLUSION
IN FUTURE SAFEGUARDS AGREEMENTS. HOWEVER, FRANCE AND LDCS (ZAIRE,
INDIA, INDONESIA, EGYPT, MEXICO, COLOMBIA, ARGENTINA,
AND BRAZIL) QUESTIONED NEED TO MAKE CONCEPTS OBLIGATORY, RAISED
EYEBROWS AT PAPER'S OPENING STATEMENT THAT IT SUBMITTED TO BOARD AT
URGING OF "SUBSTANTIAL NUMBER OF GOVERNORS", AND COMPLAINED THAT
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PAGE 02 IAEA V 07645 171132Z

TIME SINCE PAPER'S CIRCULATION ON AUGUST 20 HAD BEEN INSUFFICIENT

FOR THEM TO STUDY IT OR OBTAIN INSTRUCTIONS FROM GOVERNMENTS.

2. PERHAPS PARTLY DUE TO OUR EFFORTS, DG PERSONALLY PRESENTED GOV/1621 TO BOARD (RATHER THAN OMITTING ANY PRESENTATION BY SECRETARIAT) AND HIS REMARKS LEFT A SOMEWHAT CLEARER IMPRESSION OF SUPPORT OF THE PAPER BY THE SECRETARIAT THAN DOES PAPER ITSELF. HE WAS FOLLOWED BY FRANCE (GOLDSCHMIDT), WHO SAID CONCEPTS ARE NOT RPT NOT UNREASONABLE, ALTHOUGH THEY WILL HAVE EFFECT OF PERPETUITY OF SAFEGUARDS (FOR ANY COUNTRY SIGNING AGREEMENT CONTAINING NEW CONCEPTS) AND THEREFORE OF FORCING AWAY FROM THE AGENCY SOME COUNTRIES THAT MIGHT OTHERWISE HAVE ENTERED INTO AGREEMENTS WITH IT. HOWEVER, OBLIGATORY CHARACTER OF CONCEPTS AND MANNER IN WHICH THEY HAD BEEN DRAWN UP - AS RESULT PRESSURE BY CERTAIN GOVERNORS - WERE UNACCEPTABLE TO FRANCE. ZAIRE ASSOCIATED ITSELF WHOLEHEARTEDLY WITH FRENCH POSITION.

3. US (PORTER) SAID FRENCH REMARKS WERE CLEAR, UNDERSTANDABLE, AND TO BE EXPECTED. HE WAS GLAD TO HEAR THAT THERE WAS NO OBJECTION TO SUBSTANCE OF CONCEPTS, NOTING THAT SECRETARIAT HAD FOUND ITSELF IN DIFFICULT POSITION IN PAST WITH RESPECT TO UNILATERAL SUBMISSIONS BECAUSE OF LACK OF CONSENSUS WITH RESPECT TO APPROPRIATE PROVISIONS. HE EXPLAINED INTENT AND EFFECT OF CONCEPTS AND POINTED OUT THAT NO STATE, EXCEPT THOSE PARTY TO NPT, WAS OBLIGED TO ENTER INTO SAFEGUARDS AGREEMENT WITH IAEA. IF STATE FREELY CHOOSE TO DO SO, HOWEVER, IAEA SHOULD SURELY KNOW ITS OWN MIND WITH RESPECT TO PROVISIONS SUCH AGREEMENTS SHOULD INCLUDE.

4. INDIA (JAIPAL) SAID IT WAS NOT GOOD PRACTICE FOR INDIVIDUAL BOVERNORS TO URGE DG TO ACT IN PARTICULAR MANNER; ONLY BOARD AS WHOLE COULD INSTRUCT DG. HE WANTED TO REGISTER HIS UNHAPPINESS AT WAY PAPER WAS PRODUCED. AS TO SUBSTANCE, INDIA WAS NOT NEGATIVE, SINCE CONCEPTS APPLIED TO NEW AGREEMENTS ONLY. HE THOUGHT IT UNNECESSARY FOR THEN TO BE MANDATORY, HOWEVER, AND SAID PAPER NEEDED FURTHER STUDY AND CONSULTATIONS.

5. INDONESIA AND EGYPT ECHOED INDIAN POSITION. UK SUPPORTED US, DRAWING ATTENTION TO ARTICLE XII.A.5 OF STATUTE, WHICH PROVIDES IAEA SHALL HAVE RIGHT AND RESPONSIBILITY TO REQUIRE THAT NUCLEAR MATERIALS COVERED BY AGREEMENTS WITH IT BE SUBJECT TO CONTINUING SAFEGUARDS. FRG (UNGERER) THEN GAVE AWAY, AT END OF SPEECH LIMITED OFFICIAL USE

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PAGE 03 IAEA V 07645 171132Z

WHICH SUPPORTED PAPER, BY ADMITTING THAT MATTER WAS COMPLEX AND NEEDED STUDY IN CAPITALS AND HE WOULD NOT OPPOSE POSTPONEMENT SOUGHT BY INDIA. PARADE OF LDCS THEN ADVOCATED POSTPONEMENT, AND CANADA, WHILE SUPPORTING THIS "SOUND AND REASONABLE SOLUTION", HAD NO CHOICE BUT TO SAY THAT IF CONSIDERATION POSPONED IT NOT BE BEYOND FEBRUARY BOARD. USSR AND POLAND STRONGLY SUPPORTED PAPER AND SAID THEY SAW NO NEED TO POSTPONE, BUT CONSENSUS WAS ALREADY CLEAR.

6. US THEN SAID IT COULD AGREE TO POSTPONEMENT ON THREE CONDITIONS:
(A) THAT GOV/1621 BE CONSIDERED NOT LATER THAN FEBRUARY 1974 MEETING
OF BOARD; (B) THAT IT TAKE PRECEDENCE OVER ANY OTHER SAFEGUARDS
ITEMS COMING BEFORE THE BOARD (E.E., NO NEW AGREEMENTS OF THE
ATUCHA TYPE CAN BE APPROVED WHILE 1621 IN ABEYANCE); AND (C) THAT
SECRETARIAT TAKE BOARD'S DELIBERATIONS, PARTICULARLY LACK OF
OPPOSITION TO SUBSTANCE OF 1621, INTO ACCOUNT IN ANY NEGOTIATIONS
WITH NON-PARTIES TO NPT WHICH MIGHT BE NECESSARY BETWEEN NOW AND
FEBRUARY. AFTER NEGOTIATION DURING LUNCH HOUR ON PRECISE WORDING OF
CHAIRMAN'S SUMMING UP, THREE CONDITIONS WERE AGREED TO.

7. COMMENT. INDIANS AND INDONESIANS WERE GRATEFUL FOR POSTPONEMENTT
WHICH WILL ALLOW THEIR CAPITALS ADEQUATE TIME FOR STUDY. GOLDSCHMIDT
TOLD US PRIVATELY FRENCH INTEREST WAS PRIMARILY IN GETTING ITS
POSITION OF PRINCIPLE ON RECORD, AND HE (LIKE INDONESION) PREDICTED
BOARD WILL APPROVE PAPER IN FEBRUARY. WHILE WE CLEARLY HAVE WORK
CUT OUT FOR US IN EDUCATING NEW AND LARGER BOARD BETWEEN NOW AND
FEBRUARY, WE ARE CAUTIOUSLY OPTIMISTIC THAT ACCEPTANCE OF PAPER'S
CONCEPTS CAN BE BROADENED INTO CONSENSUS IN FAVOR OF INSTRUCTING
AGENCY'S NEGOTIATORS TO INSIST UPON THEM. CANACA, WHOSE INTEREST
IN SIGNING CONTRACT FOR NEW ARGENTINE REACTOR HAD MOTIVATED URGENT
SUBMISSION OF 1621 TO THE BOARD, TOLD US THEY WERE SATISFIED WITH
OUTCOME AND FELT THEIR INTERESTS PROTECTED BY CONDITIONS WE HAD
ATTACHED. TAPE

NOTE BY OC/T: REF AS RECEIVED. SERVICE ON REQUEST.

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